

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ALEX MARQUEZ,

Petitioner,

v.

E. K. McDANIEL, et al.,

Respondents.

Case No. 3:15-cv-00492-MMD-VPC

ORDER

Petitioner has filed an application to proceed *in forma pauperis*, accompanied by a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and a motion for appointment of counsel. Petitioner is unable to afford counsel, and the issues presented warrant the appointment of counsel. See 18 U.S.C. § 3006A(a)(2)(B).

It is therefore ordered that the application to proceed *in forma pauperis* (dkt. no. 1) is granted. Petitioner need not pay the filing fee of five dollars (\$5.00).

It is further ordered that the Clerk of the Court will file the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and the motion for appointment of counsel.

It is further ordered that petitioner's motion for appointment of counsel is granted. The Federal Public Defender is provisionally appointed to represent petitioner.

It is further ordered that the Federal Public Defender will have thirty (30) days from the date that this order is entered to undertake direct representation of petitioner or to indicate to the Court his inability to represent petitioner in these proceedings. If the Federal Public Defender does undertake representation of petitioner, he will then have

1 sixty (60) days to file an amended petition for a writ of habeas corpus. If the Federal
2 Public Defender is unable to represent petitioner, then the Court will appoint alternate
3 counsel.

4 It is further ordered that neither the foregoing deadline nor any extension thereof
5 signifies or will signify any implied finding of a basis for tolling during the time period
6 established. Petitioner at all times remains responsible for calculating the running of the
7 federal limitation period under 28 U.S.C. § 2244(d)(1) and timely asserting claims.

8 It is further ordered that the Clerk add Adam Paul Laxalt, Attorney General for the
9 State of Nevada, as counsel for respondents.

10 It is further ordered that the Clerk electronically serve both the Attorney General
11 of the State of Nevada and the Federal Public Defender a copy of the petition and a
12 copy of this order.

13 It is further ordered that respondents' counsel must enter a notice of appearance
14 within twenty (20) days of entry of this order, but no further response will be required
15 from respondents until further order of the Court.

16 It is further ordered that any exhibits filed by the parties must be filed with a
17 separate index of exhibits identifying the exhibits by number or letter. The CM/ECF
18 attachments that are filed further must be identified by the number or numbers (or letter
19 or letters) of the exhibits in the attachment. The hard copy of any additional state court
20 record exhibits must be forwarded — for this case—to the staff attorneys in Las Vegas.

21 DATED THIS 9th day of November 2015.

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24 MIRANDA M. DU
25 UNITED STATES DISTRICT JUDGE
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